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NO.221 P.1



# Pepper Hamilton LLP

Attorneys at Law

50th Floor  
500 Grant Street  
Pittsburgh, PA 15219-2502  
412.454.5000  
Fax 412.281.0717  
www.pepperlaw.com

## FAX INFORMATION SHEET

Date: July 28, 2004  
ID Number: 61297  
Identifier: 126625.00901

<u>Recipient's Name</u>	<u>Company</u>	<u>General Number</u>	<u>Fax Number</u>
USPTO	Missing Parts Division		(703) 746-4060

Sender: Raymond A. Miller (**RETURN FAX TO K. PUJOL**)  
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Total Pages Including Cover: 10

Comments: Attached is a Response to Notice to File Missing Parts for Serial No. 10/763,358

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Coversheet Page 1 of 1

Docket No. 126625.00901

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: :  
KAESEMEYER :  
Serial No. 10/763,358 : Group Art Unit: 1614  
Filed: January 23, 2004 : Examiner: not yet assigned  
For: COMPOSITIONS COMPRISING ARGININE AND NITRATES



**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated May 28, 2004, submitted herewith are the following:

- Copy of executed Declaration and Oath
- Replacement Specification Page 1 (1 sheet)
- Check in the amount of \$65.00 in payment of the surcharge fee
- Copy of Notice to File Missing Parts mailed May 28, 2004

JUL.28.2004 12:33PM

PEPPER HAMILTON LLP

NO.221

P.3

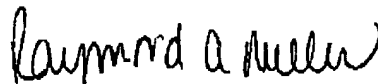
Docket No.: 126625.00901

PATENT

Please charge any shortage in fees due in connection with the filing of these papers, including extension of time fees, to Deposit Account No. 50-0436, and please credit any excess fees to such deposit account.

Respectfully submitted,

PEPPER HAMILTON LLP



Raymond A. Miller  
Registration No. 42,891

One Mellon Center, 50<sup>th</sup> Floor  
500 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 454-5000  
Fax: (412) 281-0717  
Date: July 28, 2004

PT: 4183877 v1 (3XVP01).DOC



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/763,358	01/23/2004	Wayne H. Kacsemeyer	126625.720

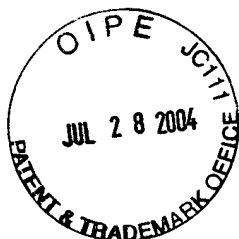
Pepper Hamilton LLP  
Firm 21269  
One Mellon Center, 50th Floor  
500 Grant Street  
Pittsburgh, PA 15219

CONFIRMATION NO. 7600

## FORMALITIES LETTER

\*OC000000012464219\*

Date Mailed: 04/28/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages 1 are not in compliance with 37 CFR 1.52(a).

08/02/2004 CNGUYEN 00000097 500436 10763358

01 FC:2051 65.00 DA

• Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:

- The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 4-7.

**SUMMARY OF FEES DUE:**


Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
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PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/17 (10-03)

Approved for use through 07/31/2008, OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ ) 65.00**Complete if Known**

Application Number	10/763,358
Filing Date	January 23, 2004
First Named Inventor	Kaesemeyer
Examiner Name	not yet assigned
Art Unit	1614
Attorney Docket No.	126625.00901

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

50-0436

Pepper Hamilton LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b> (\$ )			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 280	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$ ) 0

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for ex parte reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1261 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 280	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1602 480	2502 240	Design issue fee	
1603 640	2503 320	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(g)	
1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	2801 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

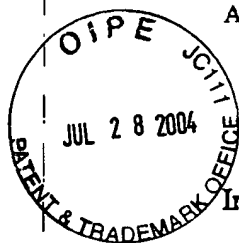
**SUBTOTAL (3)** (\$ ) 65.00**SUBMITTED BY**

Name (Print/Type)	Raymond A. Miller	Registration No. (Attorney/Agent)	42,881	Telephone	412.454.8000
Signature		Date	July 28, 2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Attorney Ref.: 126233.00111

**CERTIFICATE OF FACSIMILE UNDER 37 C.F.R. §1.6 & §1.8**

In re Application of : Kaesemeyer  
Application No. : 10/763,358  
Group Art Unit : 1614  
Examiner : Not Yet Assigned  
Filing Date : January 23, 2004

For: COMPOSITIONS COMPRISING ARGININE AND NITRATES

I hereby certify that this "Response to Missing Parts" and all attachments are being sent via facsimile to fax number (703) 746-4060 under 37 C.F.R. §1.6 & §1.8 on June 28, 2004.

Kathleen Pujol

(Typed/printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

**ENCLOSED DOCUMENTS**

1. Facsimile Cover Sheet
2. Response to Missing Parts;
3. Copy of Notice to File Missing Parts;
4. Replacement page 1 of Specification;
5. Declaration and Oath; and
6. Fee Transmittal.

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